

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD WILBERT DAVIS II,

Petitioner,

v.

ROBERT SPODEN, Sheriff,
Rock County,

Respondent.

ORDER

09-cv-002-bbc

On January 5, 2009, I dismissed petitioner Donald W. Davis II's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 because he had not yet exhausted his state court remedies. Dkt. #4. On February 2, 2009, petitioner filed two documents entitled "Writ of Mandamus," in which he requests that this court order respondent Robert Spoden and the Clerk of Court for Rock County to comply with an open records request that he made for certain records related to his state court case. Dkt. ## 8-9. The All Writs Act authorizes federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). However, the act does not increase the scope of federal jurisdiction, which is lacking in this case. In re Campbell, 264 F.3d 730, 731 (7th Cir. 2001). Federal district courts lack

jurisdiction to issue a writ of mandamus to direct state courts in the performance of their duties. Id.; Hill v. Baxter Healthcare Corporation, 405 F.3d 572, 577 (7th Cir. 2005). Because this court does not have the authority to grant petitioner's requested relief, his motions will be denied.

ORDER

IT IS ORDERED that petitioner Donald Davis II's motions for a writ of mandamus, dkt. ## 8-9, are DENIED.

Entered this 24th day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge